IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 673 of 2002 (M/B)

Manorama Agarwal W/o Prem Kumar Agarwal,
R/o Rashi Gali, Sadar Bazar,
Haldwani, Dsitrict Nainital. …… Petitioner.

Versus

1. State of Uttaranchal
through Secretary, Nagar Vikas Vibhag,
Uttaranchal Shasan, Dehradun.
2. District Magistrate, Nainital.
3. Sub Divisional Magistrate,
Haldwani, District Nainital/
Prescribed Authority, Regulated Area,
Haldwani-Kathgodam, District Nainital.
4. Executive Officer,
Nagar Palika Parishad,
Haldwani-Kathgodam,
District Nainital. ……. Respondent.

Mr Alok Mehra, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 3.
Mr. Ashish Joshi, Advocate for respondent No. 4.

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla, C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr Alok Mehra, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 3.

Mr. Ashish Joshi, Advocate for respondent No. 4.

2. In view of the statutory remedy of an appeal against the impugned order of demolition, we decline to entertain the writ petition leaving it open to the petitioner to pursue his statutory remedy of appeal.

3. With the above observation, the writ petition is dismissed.

(Prafulla C. Pant, J.) 17.05.2006

(Rajeev Gupta, C. J.) 17.05.2006

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